

Application No. 10/519,299  
Date of Abandonment: 04 Dec. 2008  
Date of this Petition: 29 December 2008

PETITION TO REVIVE AND REQUEST FOR REINSTATEMENT OF AN  
ABANDONED APPLICATION

Applicants: Admizic, O. Group Art 3736  
Unit:  
Serial No.: 10/519,299 Examiner: Szmal, Brian Scott  
Filed: 2005-02-11 Docket No.  
Title: Method for Generating Data that  
can be used to Assess the  
Cognitive or Sensorimotor  
Capabilities or Capacities of Test  
Persons

5 29 December 2008

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is a Petition to Revive an unintentionally (or in the alternative unavoidably) abandoned application. A statement of facts, signed by the applicant, who has first-hand knowledge of the facts related to the delay that resulted in the abandonment accompanies this Petition. The requisite fee (37 CFR 1.17(m)) based on Applicant's small-entity status is also submitted herewith along with a preliminary amendment of the previously filed RCE, thus complying with any and all specific requirements as provided by the statutes, rules, or USPTO policy. All of the aforementioned being timely filed within two months of the date of abandonment and notice thereof.

Peter A. Haas Esquire LLC  
1929 S.W. 13<sup>th</sup> Avenue  
Portland, OR 97201 USA  
(503) 319-3024

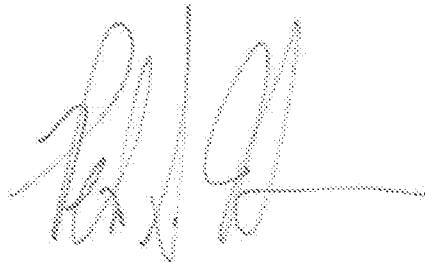
page 1 of 6

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The instant application went abandoned on 04 December 2008 due to a failure to reply to a “Notice of Improper Request for Continued Examination (RCE)” for failing to submit the fee set forth in 37 CFR 1.17(e) and for failing to submit an accompanying submission pursuant to 37 CFR 1.114. The failure to  
5 timely and completely respond to this Notice was unintentional, as supported by the two appended statement of facts from the applicant and from this attorney of record. This Notice was mailed on 13 November 2008.

Applicant respectfully requests that the Commissioner find that the abandonment of the instant application was caused by a delay that was  
10 unintentional or in the alternative that it was unavoidable and to revive and reinstate the instant application to provide co-pending status for the timely filed RCE. Further and alternatively, should the Commissioner find that the delay was unavoidable, applicant respectfully requests a refund of the excess fees paid.

Respectfully submitted,



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Peter A. Haas  
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Attorney for Applicant  
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page 2 of 6

STATEMENT OF FACTS OF APPLICANT:

1. I am Ognjen Amidzic, the applicant and inventor of the subject matter of application number 10/519,299, and I have first-hand knowledge of the events and facts leading to the delay resulting in abandonment of this application.
2. I first learned of the abandonment of the application on 08 December 2008 when my current attorney of record Peter A. Haas (Reg. No. 52481) informed me of this.
3. I believe that language barriers contributed to my lack of understanding of the status of my application and time-delay due to geographical and travel issues prevented full and timely communication.
4. Further, my previous patent attorney ignored my written requests to answer my questions regarding the status of my application, so I saw my application in danger and, was forced to withdraw immediately the previously given power to attorney in a letter dated at November 03, 2008 and start looking for a new attorney. Further, I needed a US attorney because I lack of knowledge of the US law. And further, there was a time delay caused by my Swiss bank to tender the required fees.
5. I am a Swiss citizen, however neither English nor German are my native languages.
6. I did not understand that the RCE filed on 07 October 2008 was not fully sufficient to preserve prosecution of my application.
7. If I had better understood the insufficiency of the RCE filed on 07 October 2008, I would have more quickly hired a new attorney to help me, because my then-attorney-of-record would not communicate with me.
8. I was unaware that the application would go abandoned. And it was not my intention to not pay the fee. There was a delay in transferring the fee from my Swiss Bank to my new U.S. attorney. I relied on the actions of my new attorney to take care of a RCE and to pay the fee. I was forced to withdraw my former attorney the previously given power to attorney in a letter dated at November 03 to my now-attorney-of-record. It is probably important to mention also the delay in wire transfer caused by the two banks. According to the Swiss bank (Credit Suisse), the transfer should happen on December 02, but I was told by my new U.S. attorney that he got the notice from his bank on December 05. I am not legal expert, but I think that is important in general that people at USPTO understand that it was not

Application No. 10/519,299

Date of Abandonment: 04 Dec. 2008

Date of this Petition: 29 December 2008

intention to ignore the deadline, that we are talking about several hours of delay only, and many small problems caused by many different people and organizations, and the most important, the IGNORANCE of my previous attorney which caused the current situation.

- 5 I declare under penalty of perjury that the foregoing is true and correct. By:

[NB: SEE ATTACHED PDF WHICH DUPLICATES ABOVE STATEMENT AND INCLUDES APPLICANT'S SIGNATURE]

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Von: Dr. Ognjen Amidzic  
Firma:  
Fax: +41765676105  
Telefon: +41765676104

An: Peter A. Haas  
Firma: Peter A. Haas, Esquire LLC  
Faxnummer: +15039618649

Datum: 23.12.2008

## **Statement of facts of applicant:**

1. I am Ognjen Amidzic, the applicant and inventor of the subject matter of application number 10/519,299, and I have first-hand knowledge of the events and facts leading to the delay resulting in abandonment of this application.
2. I first learned of the abandonment of the application on 08 December 2008 when my current attorney of record Peter A. Haas (Reg. No. 52481) informed me of this.
3. I believe that language barriers contributed to my lack of understanding of the status of my application and time-delay due to geographical and travel issues prevented full and timely communication.
4. Further, my previous patent attorney ignored my written requests to answer my questions regarding the status of my application, so I saw my application in danger and, was forced to withdraw immediately the previously given power to attorney in a letter dated at November 03, 2008 and start looking for a new attorney. Further, I needed a US attorney because I lack of knowledge of the US law. And further, there was a time delay caused by my Swiss bank to tender the required fees.
5. I am a Swiss citizen, however neither English nor German are my native languages.
6. I did not understand that the RCE filed on 07 October 2008 was not fully sufficient to preserve prosecution of my application.
7. If I had better understood the insufficiency of the RCE filed on 07 October 2008, I would have more quickly hired a new attorney to help me, because my then-attorney-of-record would not communicate with me.
8. I was unaware that the application would go abandoned. And it was not my intention to not pay the fee. There was a delay in transferring the fee from my Swiss Bank to my new U.S. attorney. I relied on the actions of my new attorney to take care of a RCE and to pay the fee. I was forced to withdraw my former attorney the previously given power to attorney in a letter dated at November 03 to my now-attorney-of-record. It is probably important to mention also the delay in wire transfer caused by the two banks. According to the Swiss bank (Credit Suisse), the transfer should happen on December 02, but I was told by my new U.S. attorney that he got the notice from his bank on December 05. I am not legal expert, but I think that is important in general that people at USPTO understand that it was not intention to ignore the deadline, that we are talking about several hours of delay only, and many small problems caused by many different people and organizations, and the most important, the IGNORANCE of my previous attorney which caused the current situation.

I declare under penalty of perjury that the foregoing is true and correct.  
By:



\_\_\_\_\_  
Dr. Ognjen Amidzic (applicant) on 23 December 2008.

ADDITIONAL STATEMENT OF FACTS BY ATTORNEY OF RECORD:

1. I am Peter A. Haas, a registered patent attorney (Reg. No. 52481) located in Portland, Oregon, USA.
2. I was retained by Dr. Amidzic on 05 December 2008.
- 5 3. I filed a power of attorney and change of correspondence address on behalf of Dr. Amidzic on 08 December 2008 for application number 10/519,299.
- 10 4. On December 8, 2008 (Monday at approximately 9:00 am), I entered my docketing system and accessed PAIR in order to input critical dates and reminders of critical dates for my new client, Dr. Amidzic's matters.
5. Between approximately the first of November to about the seventh of November 2008, I was contacted via e-mail by Dr. Amidzic. During these correspondence dialogues I learned that there was a pending U.S. utility application and a current attorney of record.
- 15 6. From the documents supplied by Dr. Amidzic in our preliminary discussions, I noted that there was a timely filed RCE on file with a filing date of 07 October 2008 and I also noted that the Office provided a "Notice of Improper Request for Continued Examination (RCE)" for failing to submit the fee set forth in 37 CFR 1.17(e) and for failing to submit an accompanying submission pursuant to 37 CFR 1.114.
- 20 7. On or before 07 November 2008 I advised Dr. Amidzic that the RCE filed on 07 October 2008 was incomplete and that he must timely file these documents and fees and should work with his (then) attorney-of-record.
8. On or before 07 November 2008 I also indicated to Dr. Amidzic that I would be able to take over prosecution of his matter provided he timely provide me with the power of attorney and the necessary filing fees and other needed information and documentation. Because at this time Dr. Amidzic was not my client, his matter was not entered into my docketing system.
- 25 9. Until December 5, 2008 it was my belief that Dr. Amidzic was working with his then attorney of record. It was my further belief that the then-attorney of record would timely file all missing documents and fees.
- 30 10. Based on conversations subsequent to 08 December 2008, on information and belief, I do not believe Dr. Amidzic was aware of the ramifications of any delay of action or payment on this matter. I believe

Application No. 10/519,299

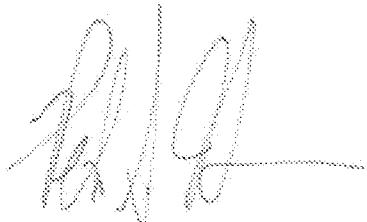
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that this resulted in an unintentional or unavoidable delay causing the application to go abandoned.

I declare under penalty of perjury that the foregoing is true and correct.

5 By:

A handwritten signature in black ink, appearing to read "Peter A. Haas".

On: 29 December 2008

Peter A. Haas, Attorney for Applicant, Registration No. 52481